



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Yazici) Examiner: C. Bushey
Serial No.: 10/760,660) Art Unit: 1724
Filed: January 15, 2004)
)

For: **OUTPUT SILENCER FOR COOLING TOWER, EVAPORATOR COOLER
OR CONDENSER**

MAIL STOP: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: October 25, 2004.

Signature: Carol Prentice
Carol Prentice

DECLARATION UNDER 37 C.F.R. § 1.132

I, Ming Hui Han, declare that:

1. I am one of the Applicants in the above-identified U.S. patent application (referred to herein as "the present application"), and one of the inventors of the invention disclosed and claimed therein.

2. The present application is a divisional of U.S. patent application no. 10/150,636, filed on May 17, 2002. I am one of the applicants in U.S. patent application no. 10/150,636, and one of the inventors of the invention disclosed and claimed therein.

3. I am also one of the inventors of the invention disclosed and claimed in U.S. patent 6,402,612 (issuing from U.S. patent application no. 09/761,984).

4. I am, and at the time of conception of the present invention was, employed as a Research and Development Engineer at M & I Heat Transfer Products Ltd., of Mississauga, Canada.

5. U.S. patent application no. 09/761,984 (now U.S. patent 6,402,612) and U.S. patent application no. 10/150,636 (parent to the present application) were originally assigned from the inventors to Air Handling Engineering Ltd., of Buffalo, New York.

6. On September 25, 2002, Air Handling Engineering Ltd. assigned, among others, U.S. patent no. 6,402,612 and U.S. patent application no. 10/150,636 to M & I Heat Transfer Products Ltd. Accordingly, M & I Heat Transfer Products Ltd. is now the owner of both the present application and U.S. patent no. 6,402,612.

7. In an Office Action mailed on July 2, 2004 the Examiner rejected claims 1-5 of the present application as being anticipated by U.S. patent no. 6,402,612. The Examiner rejected claim 6 as being obvious over U.S. patent no. 6,402,612. The Examiner relied on Figures 10 and 11 and the corresponding description of Figures 10 and 11 of U.S. patent no. 6,402,612 in his rejections.

8. The subject matter disclosed but not claimed in U.S. patent no. 6,402,612 relied on by the Examiner in the above-referenced claim rejections was derived from my work, and as such is not the invention of another.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that all statements made herein are made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of the patent to which this verified statement is directed.



Ming Hui Han

Dated: 21th, Oct./2004